

SPECIAL CIVIL APPLICATION No 600 of 1987

Hon'ble MR.JUSTICE S.D.DAVE

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SHAYMKANT SHRIDHAR

COMMISSIONER OF POLICE

MR SP HASURKAR for Respondent No. 2

Date of decision: 25/06/1999

The petitioner has taken out this petition with a grievance that though he was due for promotion on the basis of Seniority-Cum-Merit, he was not promoted and

certain persons junior to him came to be promoted. The Dy Commissioner of Police, Surat City has filed the affidavit in reply, in which it has been stated that the petitioner was working as 'Barnishi Writer Constable' and that his case for promotion to the post of Second Grade Head Constable came to be considered by the Departmental Promotion Committee which had met on December 16, 1986; but upon a careful consideration and due deliberation it was found that the petitioner was not fit for promotion. It is also stated in the said affidavit that when the Departmental Promotion Committee would meet again, the case of the petitioner could be considered.

Ms. Harsha Dewani, Ld. Govt. counsel, instructed by Ld. Govt. Solicitor Mr. S.P. Hasurkar points out that, later on the petitioner has been promoted vide the orders dated November 04, 1987.

The grievance coming from Ld. counsel Mr. Gupta, who appears for Ld. counsel Mr. Yatin Oza for the petitioner is that, looking to the facts & circumstances of the case, when the Departmental Promotion Committee could not see any positive demerits, the petitioner should have been promoted when the Departmental Promotion Committee had met on 16th December 1986. This say coming from the Ld. counsel cannot be accepted because at para-6 of the affidavit referred to above, complete details have been given regarding the aspects which were required to be taken in to consideration and which in fact were taken in to consideration.

Ultimately as said in the above said affidavit, when Departmental Promotion Committee had met, once again the petitioner has been promoted with effect from November 04, 1987. In view of this, I do not find this is a case in which the interference would be justifiable when the Departmental Promotion Committee had taken a decision not to promote the petitioner on that occasion, and when later on he has been duly promoted

This petition therefore requires to be dismissed. I order accordingly. Rule shall stand discharged. No cost.

Copy of the orders of promotion qua the petitioner being presented by Ld. Government Solicitor Mr. Hasurkar be retained on record.

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